

16400

NOTICE OF RULE ADOPTION – FINAL RULE

STATE OF MISSISSIPPI
MS State Department of Health

FILED
JUL 31 2009
**MISSISSIPPI
SECRETARY OF STATE**

MS State Department of Health
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Specific Legal Authority Authorizing the promulgation
of Rule: Mississippi Code Sections 41-7-185 and 41-7-187

Reference to Rules repealed, amended or suspended by
the Proposed Rule:

Title 15 – MISSISSIPPI STATE DEPARTMENT OF
HEALTH – Part IX – Office of Health Policy and
Planning, Division of Health Planning and Resource
Development, Subpart 91 – Certificate of Need Review
Manual (Effective February 23, 2008).

Date Rule Proposed: June 4, 2009

Date Rule Adopted: July 8, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

The following revisions of the CON Review Manual are necessary to clarify rules and further transparency of CON applications. The proposed changes are as follows: clarify when a CON application is available for public inspection, to allow greater archive of records, clarify definition of "Determination of Reviewability", clarify statutory exemption of veterans homes from CON process, clarify that Notices of Intent are valid for 180 days, clarify incomplete application and define "shell application" as not meeting requirement, and clarify requirement of Determination of Reviewability.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

The Agency Rule Making Record for this rule including any written comment(s) received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒ An oral proceeding was held on this rule:
Date: June 26, 2009
Time: 10:00 a.m.
Place: Mississippi State Department of Health, Health Services Conference Room, 2nd Floor, Osborne Building, 570 East Woodrow Wilson, Jackson, Mississippi 39215.

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and:

- ☐ This rule as adopted is without variance from the proposed rule.
- ☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.
- ☒ This rule as adopted differs from the proposed rule and all of the following apply:
- The differences are within the scope of the matter in the notice of proposed rule adoption,
 - The differences are a logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
 - The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Final Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: September 1, 2009

Donald E. Eicher, III, Director of Office of Health Policy and Planning

Printed Name/Title of Person Submitting Rule for Filing


Signature